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57 Bloor Street West
Room 403, Bloor Building
TORONTO 5, Ontario
August 10, 1966

The Honourable George A. McGillivray
Commissioner
The Royal Commission
on
The Workmen's Compensation Act
67 Richmond Street West
TORONTO 1, Ontario

Sir:

My name is Leslie A. Tufts and I am the Christian Science Committee on Publication for Ontario. As spokesman for the citizens of Ontario who adhere to the Christian Science faith, I would like to thank the Commission for this opportunity to appear before you to present the position of Christian Scientists relative to the operation of the Workmen's Compensation.

The Workmen's Compensation Law has been in existence for a good many years and has benefited both employees and employers. It has provided a very workable solution to many of the problems of an industrial society.

The Workmen's Compensation Law is designed to benefit employers and employees alike. It provides that the employer's liability to an employee for damages or injuries suffered during the course of his employment shall be assumed by the Workmen's Compensation Board. By giving up his common law right to sue his employer for negligence, or to negotiate a settlement, the injured employee is given

two kinds of statutory benefits -- (1) compensation for disability and loss of wages, and (2) medical and surgical services to aid in his recovery and return to work. The cost of the compensation program, through the medium of insurance premiums paid by the employer, is passed on by him to the consuming public in the increased cost of products and services and by deducting the cost of premiums as a business expense in his Federal Income Tax return.

The Workmen's Compensation Act has never made provision for those workers who, in good faith, rely on prayer alone for healing. Thus, under the present terms of the law, Christian Science practitioners are excluded from receiving compensation for their services in giving healing treatment under the Act. However, I feel confident that, given the opportunity, the legislators will be glad to correct this omission.

Our legislators have, through the years, earnestly striven to maintain religious freedom and liberties, and human rights, and have spelled them out in protective statutory provisions. For example, see The Ontario Human Rights Code, (Statutes of Ontario 1961-62, Chapter 93).But the present Workmen's Compensation Act provides an exception to this concept of human rights. Let me explain the effect it has on Christian Scientists who are workers. To a Christian Scientist, healing through prayer is an integral part of his religion; in fact, the practice of his religion and the healing work are inseparable. The teachings and faith of

Christian Science do not employ medical treatment and care for its adherents. Instead, Christian Science relies wholly and exclusively on the systematic discipline of Christian healing as set forth in our denominational textbook. When confronted with an injury, sickness, or any kind of disability, a Christian Scientist turns to an accredited Christian Science practitioner for help. If his condition requires nursing care, he prefers to have the services of a Christian Science nurse who is trained in caring for the needs of Christian Scientists. If his condition requires hospitalization, he would want to be cared for in a Christian Science sanatorium, if one is available in Ontario, equipped to provide what he needs. However, in the case of broken bones the Christian Scientist is prepared to accept the services of a medical practitioner to set the bone.

Christian Scientists turn naturally to God for healing, as they are accustomed to do, because experience has demonstrated to them that this is a practical and effective step. Martyrdom is contrary to the spirit of Christian Science. The whole import of Christian Science is that healing is a practical possibility and an integral part of Christianity. A Christian Scientist wants to be healed of his injury - to be made whole and to return to work as rapidly as possible. He has found that for him Christian Science is the best way to accomplish this purpose. As a group, Christian Scientists are generally recognized to be intelligent, industrious, healthy, and responsible citizens.

Since the teachings and faith of Christian Science do not employ medical treatment and care for its adherents, it is our hope you will agree that specific provisions should be made for this group of workers under the Workmen's Compensation Law.

Under the common law, which the Workmen's Compensation Law superseded, no particular type of treatment was prerequisite to the injured employee's receiving damages for injury although it might have had a bearing upon the measure of damages. Under the present Workmen's Compensation Law, an employee relying on prayer alone for healing would be compelled to pay out of his own pocket the cost of the services of a Christian Science practitioner.

I am sure the members of this Commission will understand that it is a considerable extra hardship for the Christian Scientist, in endeavoring to work out his particular injury by prayer alone, to have to submit to the well-meaning, but to him conflicting services of a physician, or pay for his own healing treatment. Furthermore, it is working a considerable additional hardship for the Christian Scientist to have financial worries added to his physical disabilities by not receiving payment for his healing treatment if he does not submit to medical treatment.

Workmen's Compensation laws in the States of Colorado, Connecticut, Florida, Illinois, Indiana, Louisiana, Minnesota, Missouri, New Jersey, New York, Oregon, and Wisconsin, either through specific statutes, or administrative ruling,

make provision for those who rely on prayer alone for healing. These laws have all proved beneficial to employees and employers alike and have been successfully administered for many years. Attached are Xerox copies of letters from administrators of some of these State laws, affirming the fact that provisions in Workmen's Compensation laws for Christian Scientists are workable and successful.

On the Federal level, Section 222(b)(1) of the Disability provisions of the Social Security Act also protects the right of a disabled individual to rely on prayer for healing while drawing Disability Insurance monthly payments. (See exhibit attached for the text of Section 222(b)(1) of the Social Security Act.) Most recently, when the United States Congress passed the Medicare law in 1965 (PL 89-97), they recognized Christian Science sanatoriums as the equivalent of both medical hospitals and medical extended care facilities. The Department of Health, Education, and Welfare will pay for "hospitalization" at a Christian Science sanatorium while an individual is receiving treatment from an accredited Christian Science practitioner on the case just as they will pay for hospitalization at a medical hospital when a physician is on the case. (See exhibit attached for the text of Section 1861(e) and (y).) In addition, attached is a letter from the Bureau of Family Services affirming that Christian Science sanatoriums, nursing homes, visiting nurse services, and private duty nursing may be reimbursed for services rendered to recipients of State Medical Assistance programs.

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All of these services are provided on the basis of certification of need by Christian Science practitioners.

Today, on the basis of the healing record of Christian Science, hundreds of insurance companies in the United States recognize and pay for Christian Science treatment and care in their group health insurance agreements and their various casualty and accident lines. These companies include Metropolitan Life, and Travelers.

On the Federal insurance level, the Aetna Life Insurance Company of Hartford, Connecticut, in its Uniform Plan for Retired Federal Employees, and in its Government-wide Indemnity Benefit Plan for Active Federal Employees, which covers some five and one-half million employees and their dependents, provides for Christian Science treatment and care.

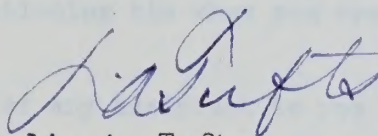
Christian Scientists of Ontario are prepared to furnish satisfactory proof of injury or disability by submitting to physical examinations. Also, Christian Scientists would not object to submitting to surgical treatment in the setting of bones in cases of fracture. The amendment we are proposing will eliminate the present inequity in the Workmen's Compensation Law in that:

It will allow the worker who in good faith relies solely on treatment by prayer to rely on this form of treatment exclusively and to receive his compensation benefits.

The amendment we propose is as follows:

"Nothing in this Act shall be construed to prevent a workman, whose injury or disability has been established to the satisfaction of the employer or directors, from relying in good faith on treatment by prayer through spiritual means alone in accordance with the tenets and practice of a recognized church or religious denomination by a duly accredited practitioner thereof without suffering loss or diminution of his compensation benefits under this Act; and provided further that nothing in this Act shall be construed to prevent a workman who desires it from being furnished with such treatment by prayer through spiritual means alone."

The opportunity to make this presentation before your Commission is sincerely appreciated, and we ask your sympathetic consideration of the statement and the amendment proposed therein.



Leslie A. Tufts
Christian Science Committee
on Publication for Ontario



FLORIDA INDUSTRIAL COMMISSION

TALLAHASSEE

OFFICE OF
JAMES T. VOCELLE
CHAIRMAN

STATE OF FLORIDA
LEROY COLLINS, GOVERNOR

October 16, 1957

Mr Donald R Lane
Christian Science Committee on
Publication for Florida
604 Biscayne Building
19 West Flagler Street
Miami 32, Florida

Dear Don:

I sincerely regret that my absence from the office has prevented my replying sooner to your letter of September 18 and of course it gives me great pleasure to enclose the statement that you requested.

I appreciate your reference to my son, Buck, and I know that he will appreciate you mentioning him when you speak in Indian River County.

Whenever I can be of any assistant to you in any way please be sure to let me know.

With every good wish to you and your good wife, I

am

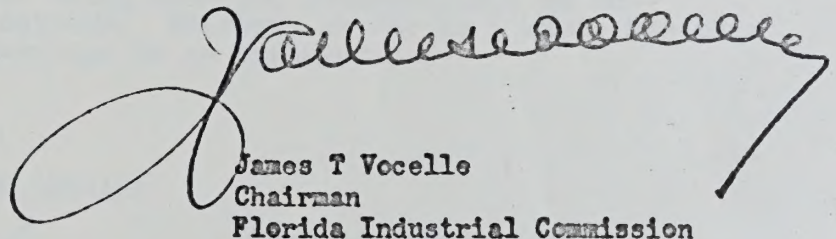
Sincerely yours,

James T. Vocelle
Chairman

JTV:fmp
Enclosure-1

The Workmen's Compensation Law of Florida specifically authorizes and permits on the part of an employer the furnishing to an employee who has been injured the services of a recognized practitioner of the Christian Science faith and I not only do not know of any instance where this provision has worked any hardship on anyone but having had a personal acquaintance over the years with many members of the Christian Science organization I am sure that in numerous instances this provision has been extremely beneficial.

It is my opinion that such a provision should be included in all Workmen's Compensation Laws in order to give proper recognition to the religious beliefs and practices of every American, which is in complete consistency with the American idea of religious freedom.



James T Vocelle
Chairman
Florida Industrial Commission

JTV:fmp

INDUSTRIAL BOARD



601 STATE OFFICE BUILDING
110 NORTH SENATE AVENUE
MELROSE 3-4000

STATE OF INDIANA
INDIANAPOLIS 4

April
19th
1963

Mr. Edward C. Williams
Christian Science Committee
on Publication for Indiana
716 Merchants Bank Building
Indianapolis 4, Indiana

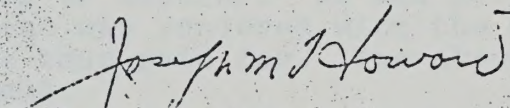
Dear Mr. Williams:

The Indiana Workmen's Compensation Act, as well as the Indiana Workmen's Occupational Diseases Act, have included for many years a provision which states that an employer may at any time permit an employee to have treatment for his injuries by spiritual means or prayer in lieu of the services of a physician or surgeon.

At no time, to my knowledge, has the above provision caused a problem to an employer or to this department by giving rise to unreasonable demands being made for irresponsible or undesirable healing methods. Neither, so far as I know, has this law worked a disadvantage to an employer.

Very truly yours,

INDUSTRIAL BOARD OF INDIANA


Joseph M. Howard, Chairman

JMH/em





STATE OF MINNESOTA
INDUSTRIAL COMMISSION OF MINNESOTA
SAINT PAUL 1

In reply refer to

April 25, 1963

Hon. Jerome E. Franke
Christian Science Committee on
Publication for the State of Minnesota
709 Northwestern Bank Building
Minneapolis 2, Minnesota

Dear Mr. Franke

This is in reply to your inquiry in regard to the use of Christian Science treatment under our Workmen's Compensation Act.

Our law, M.S. 176.135, subdivision 4, provides:

"Any employee electing to receive Christian Science treatment as provided in subdivision 1 shall notify his employer in writing of his election within 30 days after the effective date of this chapter, and any person hereafter accepting employment shall give such notice at the time he accepts employment. Any employer may elect not to be subject to the provisions for Christian Science treatment provided for in this section by filing a written notice of such election with the commission, in which event the election of the employee shall have no force or effect whatsoever."

This law was passed in 1953. Prior to the passage of this law, there was considerable doubt in our minds, as to whether the charge for Christian Science treatment would lawfully be assessable by this Commission under our workmen's compensation act against an employer or insurer. We had several instances where Christian Science treatment was rendered with the mutual agreement of both parties and was thus paid for. The above cited statute, of course, removes the doubt.

Since the passage of that section I have occasionally seen a few cases where Christian Science treatment was rendered. However, no recollection of their being disputed or contested following the passage of the above section comes to mind. I am not aware of other groups requesting similar rights.

Sincerely yours

INDUSTRIAL COMMISSION OF MINNESOTA

James Pomush
JANES POMUSH, Chairman

JP/mhn

REC'D APR 26 1963



DIVISION OF WORKMEN'S COMPENSATION

DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
OF MISSOURI

JEFFERSON CITY, MISSOURI

May 6, 1963

SPENCER H. GIVENS
Director

BRANCH OFFICES

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814 REALTY BUILDING
Springfield
305 EIGHT BUILDING
Cape Girardeau
101 MERCANTILE ARTS BUILDING
Joplin
605 FIRST NATIONAL BUILDING
St. Joseph
207 CROSBY BUILDING

Mr. Wilbur Linhardt
Committee for Publication for Missouri
1105 Ambassador Building
St. Louis 1, Missouri

Dear Mr. Linhardt:

For a number of years the Missouri Workmen's Compensation Law has contained the following provision with respect to the treatment of injured workers:

"Nothing in this act shall prevent an employee being provided treatment for his injuries by spiritual means if the employer does not object to such treatment."

To my knowledge there has been no complaint made by any parties to workmen's compensation cases about this provision, nor has there been request, as far as I know, from other groups asking for similar rights. All practitioners of the healing arts licensed to practice in this state are recognized by us as competent to exercise their licentiate as far as workmen's compensation is concerned.

Very truly yours,

Spencer H. Givens

SHG:hr

cc to Mrs. Fred H. Sumner
1001 Fairmont
Jefferson City, Missouri

RECEIVED
DIRECTOR

ON
COMMITTEE

MAY 8 2 28 PM '63

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MAY 7 - 1963



MAY 19 1961

State of New Jersey

DEPARTMENT OF LABOR AND INDUSTRY

DIVISION OF WORKMEN'S COMPENSATION

29 E. FRONT STREET

TRENTON 25, NEW JERSEY

RAYMOND F. MALE
COMMISSIONER

THOMAS L. FRANKLIN
ACTING DIRECTOR

May 18, 1961

Mr. Clarence E. Rader
Christian Science Committee
on Publication for New Jersey
519 Main Street
East Orange, New Jersey

Dear Mr. Rader:

Thank you for your letter of April 20, 1961.

As a result of our conversations since your letter, I am sure that you are aware that although this agency is empowered to adjudicate disputes in workmen's compensation matters, I am not authorized to issue advisory opinions of a binding nature. Our decisions can be based only on the facts and circumstances of each case as established by proofs presented by the parties at claims hearings held before Judges of the Division.

Though compelled to operate under this limitation, I am anxious to be as helpful as possible. Enclosed is a copy of Section 15 of the Workmen's Compensation Act. You will note that the term "hospital service" is expressly used therein. Thus, if an employee suffers an injury due to a job accident or occupational disease, then it becomes the employer's obligation to furnish such hospital service "as shall be necessary to cure and relieve the workman of the effects of the injury and to restore the functions of the injured member or organ where such restoration is possible."

You make mention of Christian Science nurses. In my view, the statement contained in my letter to you of April 18 would also be applicable to the nurses.

Very truly yours,

Thomas L. Franklin
Acting Director

TLF:jc
Enc.

C.E.R.

34:15-15. Medical and hospital service. The employer shall furnish to the injured workman such medical, surgical and other treatment, and hospital service as shall be necessary to cure and relieve the workman of the effects of the injury and to restore the functions of the injured member or organ where such restoration is possible; provided, however, that the employer shall not be liable to furnish or pay for physicians' or surgeons' services in excess of fifty dollars and in addition to furnish hospital service in excess of fifty dollars, unless the injured workman or the physician who treats him, or any other person on his behalf, shall file a petition with the workmen's compensation bureau* stating the need for physicians' or surgeons' services in excess of fifty dollars, as aforesaid, and such hospital service or appliances in excess of fifty dollars, as aforesaid, and the workmen's compensation bureau after investigating the need of the same and giving the employer an opportunity to be heard, shall determine that such physicians' and surgeons' treatment and hospital services are or were necessary, and that the fees for the same are reasonable and shall make an order requiring the employer to pay for or furnish the same.

If the employer shall refuse or neglect to comply with the foregoing provisions of this section the employee may secure such treatment and services as may be necessary and as may come within the terms of this section, and the employer shall be liable to pay therefor; provided, however, that the employer shall not be liable for any amount expended by the employee or by any third person on his behalf for any such physicians' treatment and hospital services, unless such employee or any person on his behalf shall have requested the employer to furnish the same and the employer shall have refused or neglected so to do, or unless the nature of the injury required such services, and the employer or his superintendent or foreman, having knowledge of such injury shall have neglected to provide the same, or unless the injury occurred under such conditions as make impossible the notification of the employer, or unless the circumstances are so peculiar as shall justify, in the opinion of the workmen's compensation bureau, the expenditure assumed by the employee for such physicians' treatment and hospital services, apparatus and appliances.

All fees and other charges for such physicians' and surgeons' treatment and hospital treatment shall be reasonable and based upon the usual fees and charges which prevail in the same community for similar physicians', surgeons' and hospital services.

When an injured employee may be partially or wholly relieved of the effects of a permanent injury, by use of an artificial limb or other appliance, which phrase shall also include artificial teeth or glass eye, the workmen's compensation bureau, acting under competent medical advice, is empowered to determine the character and nature of such limb or appliance, and to require the employer or his insurance carrier to furnish the same.

Source. R. S. 34:15-15 derived from L. 1911, c. 95, §14, p. 140, as am. by L. 1913, c. 174, §3, p. 306, L. 1919, c. 93, §4, p. 203, L. 1922, c. 245, §1, p. 569, L. 1923, c. 149, §1, p. 300.

Note. Re hospital records and the right of examination thereof in certain cases, see N.J.S. 2A:52-41 to 2A:52-45 (L. 1945, c. 286).

APR 20 1961



State of New Jersey

DEPARTMENT OF LABOR AND INDUSTRY
DIVISION OF WORKMEN'S COMPENSATION
29 E. FRONT STREET
TRENTON 25, NEW JERSEY

RAYMOND F. MALE
COMMISSIONER

THOMAS L. FRANKLIN
ACTING DIRECTOR

April 18, 1961

Mr. Clarence E. Rader
Christian Science Committee
on Publication for New Jersey
519 Main Street
East Orange, New Jersey

Dear Mr. Rader:

Commissioner Male has indicated to me your desire to have the following information, which is quoted from the minutes of a meeting of the Workmen's Compensation Board:

"Director Franklin discussed a question presented to Commissioner Male by Clarence E. Rader of the Christian Science Committee on Publication for New Jersey, regarding what Mr. Rader asserted to be an apparent lack of uniformity among the hearing officials in allowing fees to Christian Science practitioners. It was generally agreed that where the petitioner desires such treatment and the respondent authorizes it, payment therefor should be allowed. Under certain circumstances and depending on the state of the proofs, treatment by a Christian Science practitioner may be considered 'other treatment' under section 15 of the Act."

Please let me know if you have any questions.

Very truly yours,

Thomas L. Franklin

Thomas L. Franklin
Acting Director

TLF:gd

Enrolled
House Bill 1001

Introduced by COMMITTEE ON LABOR AND MANAGEMENT

CHAPTER 285

AN ACT

Relating to work connected injuries and diseases, including but not limited to provisions concerning workmen's compensation and safety; creating new provisions; amending ORS 183.310, 293.115, 293.705, 344.810, 344.820, 344.830, 401.850, 654.047, 654.050, 654.090, 654.095, 655.110, 655.150, 655.422, 655.520, 655.525, 655.990, 656.002, 656.044, 656.052, 656.054, 656.056, 656.082, 656.128, 656.156, 656.202, 656.204, 656.206, 656.208, 656.210, 656.214, 656.220, 656.228, 656.230, 656.243, 656.278, 656.280, 656.292, 656.294, 656.312, 656.314, 656.316, 656.318, 656.320, 656.322, 656.324, 656.326, 656.410, 656.412, 656.416, 656.426, 656.452, 656.456, 656.460, 656.464, 656.466, 656.468, 656.472, 656.474, 656.504, 656.506, 656.508, 656.522, 656.526, 656.532, 656.556, 656.558, 656.560, 656.584, 656.588, 656.590, 656.604, 656.807, 656.808, 656.810, 656.814, 656.816, 656.818, 656.822, 656.990, 736.060 and 749.020; repealing ORS 654.092, 654.094, 655.170, 655.210, 656.022, 656.024, 656.026, 656.028, 656.032, 656.034, 656.036, 656.038, 656.040, 656.042, 656.082, 656.084, 656.086, 656.090, 656.122, 656.124, 656.152, 656.207, 656.242, 656.244, 656.246, 656.272, 656.274, 656.275, 656.276, 656.282, 656.284, 656.286, 656.288, 656.290, 656.418, 656.422, 656.428, 656.458, 656.462, 656.507, 656.510, 656.512, 656.514, 656.516, 656.518 and 656.520; providing penalties; providing that this Act shall, under specified conditions, be referred to the people for their approval or rejection; and prescribing an operative date.

Be It Enacted by the People of the State of Oregon:

PART I
GENERAL PROVISIONS

Section 1. Short title. ORS 656.002 to 656.590 may be cited as the Workmen's Compensation Law.

Section 2. Captions. The Part and section titles and notes used in this bill are provided only for convenience in locating provisions in the bill and:

- (1) Do not become part of the statutory law of the State of Oregon.
- (2) Do not indicate any legislative construction or intent in the passage of this bill.

Section 3. (1) Sections 5, 6, 7, 8, 9, 9a, 9b, 10, 11, 23, 27, 28, 29, 43, 44a, 53a, 54b, 55, 56, 56a, 67, 67a, 67e, 67f, 68, 69a, 74, 75, 76, 76a, 77, 78 and 94a of this Act are added to and made a part of ORS 656.002 to 656.590.

(2) Sections 30, 30a, 31, 32, 34, 35, 35a, 36, 39, 40, 41, 41a, 41c and 42 of this Act are added to and made a part of ORS 656.272 to 656.294.

Section 4. ORS 656.002 is amended to read:

656.002 Definitions. As used in ORS 656.002 to 656.590 and 656.990, unless the context requires otherwise:

(1) "Administrative Fund" means the fund created by section 69a of this 1965 Act.

{(1)} (2) "Beneficiary" means an injured workman, and the husband, wife, child or dependent of a workman, who is entitled to receive pay-

(4) Any party may request a hearing on any dispute under this section pursuant to section 34 of this 1965 Act.

Section 41c. Treatment by spiritual means. Nothing in this chapter shall be construed to require a workman who in good faith relies on or is treated by prayer or spiritual means by a duly accredited practitioner of a well-recognized church to undergo any medical or surgical treatment nor shall such workman or his dependents be deprived of any compensation payments to which he would have been entitled if medical or surgical treatment were employed, and the employer or insurance carrier may pay for treatment by prayer or spiritual means.

Section 42. Penalties and attorney's fees payable by employer or department for misconduct. (1) If a direct responsibility employer or the department refuses to pay compensation due under an order of a hearing officer, board or court, or otherwise unreasonably resists the payment of compensation, the employer or department shall pay to the claimant or his attorney a reasonable attorney's fee as provided in subsection (2) of this section. To the extent a contributing employer has caused the department to be charged such fees, such employer may be charged with those fees.

(2) If a request for hearing, request for review or court appeal is initiated by an employer or the department, and the hearing officer, board or court finds that the compensation awarded to a claimant should not be disallowed or reduced, the employer or department shall be required to pay to the claimant or his attorney a reasonable attorney's fee in an amount set by the hearing officer, board or the court for legal representation by an attorney for the claimant at the hearing, review or appeal.

(3) If upon reaching a decision on a request for hearing initiated by an employer it is found by the hearing officer that the employer initiated the hearing for the purpose of delay or other vexatious reason or without reasonable ground, the hearing officer may order the employer to pay to the claimant such penalty not exceeding \$750 and not less than \$100 as may be reasonable in the circumstances.

Section 42a. ORS 656.588 is amended to read:

656.588 Recovery of attorney's fees in appeal to board or court on rejected claim. (1) In all cases involving accidental injuries ~~occurring on or after July 1, 1957,~~ where a claimant prevails in an appeal to the circuit court from a ~~commission~~ board order ~~rejecting his original~~ denying his claim for compensation, the court shall allow a reasonable attorney's fee to the claimant's attorney. In such rejected cases where the claimant prevails finally in ~~this appeal before the commission~~ a hearing before the hearing officer or in a review by the board itself, then the ~~commission~~ hearing officer or board shall allow a reasonable attorney's fee; however, in the event a dispute arises as to the amount allowed by the ~~commission~~ hearing officer or board, that amount may be settled as provided for in subsection (2) of ORS 656.590. Attorney fees provided for in this section shall be paid from the Industrial Accident Fund as an administrative expense when the claimant was employed by a contributing employer, and be paid by the direct responsibility employer when the claimant was employed by such an employer.

(2) In all other cases attorneys' fees shall continue to be paid from the claimant's award of compensation except as otherwise provided in ORS 656.292 and section 42 of this 1965 Act.

Section 42b. ORS 656.590 is amended to read:

656.590 Approval of amount of attorney's fees; suggested fee schedule.

(1) No claim for legal services or for any other services rendered before ~~the commission~~ a hearing officer or the board, as the case may be, in respect to any claim or award for compensation, to or on account of any person, shall be valid unless approved by the ~~commission~~ hearing officer or board, or if proceedings on appeal from the order of the ~~commission~~ board in respect to such claim or award are had before any court, unless approved by such court.

COMMISSIONERS

R. G. KNUTSON, CHAIRMAN
A. W. ENRIGHT
JOHN H. ROUSE
HELEN E. GILL, SECRETARY

The State of Wisconsin

INDUSTRIAL COMMISSION

STATE OFFICE BUILDING

1 WEST WILSON ST., MADISON 2

October 21, 1957

FUNCTIONS

APPRENTICESHIP
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FAIR EMPLOYMENT PRACTICES
INDUSTRIAL SAFETY AND BUILDINGS
STATISTICS
UNEMPLOYMENT COMPENSATION
WAGE COLLECTION
WOMAN AND CHILD LABOR
WORKMEN'S COMPENSATION

IN REPLY PLEASE REFER TO:

Mr. Gordon Smith
Christian Science
Public Relations Committee
633 North Water St.
Milwaukee 2, Wisconsin

Dear Mr. Smith:

In response to your recent inquiry we can state that no cases have come to our attention within the past three years involving a dispute with respect to Christian Science treatment for an industrial injury case. Our records do not reveal the number of cases in which such treatment has been rendered or the amount that has been paid for such treatment as contrasted with medical treatment.

Yours very truly,

Ralph E. Gintz

Ralph E. Gintz, Director
Workmen's Compensation Division

REC/CS

"(2) ending with the close of the first period of 60 consecutive days thereafter on each of which he is neither an inpatient of a hospital nor an inpatient of an extended care facility.

"Inpatient Hospital Services

"(b) The term 'inpatient hospital services' means the following items and services furnished to an inpatient of a hospital and (except as provided in paragraph (3)) by the hospital—

"(1) bed and board;

"(2) such nursing services and other related services, such use of hospital facilities, and such medical social services as are ordinarily furnished by the hospital for the care and treatment of inpatients, and such drugs, biologicals, supplies, appliances, and equipment, for use in the hospital, as are ordinarily furnished by such hospital for the care and treatment of inpatients; and

"(3) such other diagnostic or therapeutic items or services, furnished by the hospital or by others under arrangements with them made by the hospital, as are ordinarily furnished to inpatients either by such hospital or by others under such arrangements;

excluding, however—

"(4) medical or surgical services provided by a physician, resident, or intern; and

"(5) the services of a private-duty nurse or other private-duty attendant.

Paragraph (4) shall not apply to services provided in the hospital by an intern or a resident-in-training under a teaching program approved by the Council on Medical Education of the American Medical Association or, in the case of an osteopathic hospital, approved by the Committee on Hospitals of the Bureau of Professional Education of the American Osteopathic Association, or, in the case of services in a hospital or osteopathic hospital by an intern or resident-in-training in the field of dentistry, approved by the Council on Dental Education of the American Dental Association.

"Inpatient Psychiatric Hospital Services

"(c) The term 'inpatient psychiatric hospital services' means inpatient hospital services furnished to an inpatient of a psychiatric hospital.

"Inpatient Tuberculosis Hospital Services

"(d) The term 'inpatient tuberculosis hospital services' means inpatient hospital services furnished to an inpatient of a tuberculosis hospital.

"Hospital

"(e) The term 'hospital' (except for purposes of section 1814(d), subsection (a) (2) of this section, paragraph (7) of this subsection, and subsections (i) and (n) of this section) means an institution which—

"(1) is primarily engaged in providing, by or under the supervision of physicians, to inpatients (A) diagnostic services and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons, or (B) rehabilitation services for the rehabilitation of injured, disabled, or sick persons;

"(2) maintains clinical records on all patients;

tion 201 (but taking into account any refunds under subsection (f) of this section) to insure that the Federal Disability Trust Fund is charged with all expenses incurred which are attributable to the administration of section 223 and the Federal Old-Age and Survivors Insurance Trust Fund is charged with all other expenses.

(f) All money paid to a State under this section shall be used solely for the purposes for which it is paid; and any money so paid which is not used for such purposes shall be returned to the Treasury of the United States for deposit in the Trust Funds.

(g) In the case of individuals in a State which has no agreement under subsection (b), in the case of individuals outside the United States, and in the case of any class or classes of individuals not included in an agreement under subsection (b), the determinations referred to in subsection (a) shall be made by the Secretary in accordance with regulations prescribed by him.

Rehabilitation Services

Referral for Rehabilitation Services

Sec. 222. (a) It is hereby declared to be the policy of the Congress that disabled individuals applying for a determination of disability, and disabled individuals who are entitled to child's insurance benefits, shall be promptly referred to the State agency or agencies administering or supervising the administration of the State plan approved under the Vocational Rehabilitation Act for necessary vocational rehabilitation services, to the end that the maximum number of such individuals may be rehabilitated into productive activity.

Deduction on Account of Refusal To Accept Rehabilitation Services

(b) (1) Deductions, in such amounts and at such time or times as the Secretary shall determine, shall be made from any payment or payments under this title to which an individual is entitled, until the total of such deductions equals such individual's benefit or benefits under sections 202 and 223 for any month in which such individual, if a child who has attained the age of eighteen and is entitled to child's insurance benefits or if an individual entitled to disability insurance benefits, refuses without good cause to accept rehabilitation services available to him under a State plan approved under the Vocational Rehabilitation Act. Any individual who is a member or adherent of any recognized church or religious sect which teaches its member or adherents to rely solely, in the treatment and cure of any physical or mental impairment, upon prayer or spiritual means through the application and use of the tenets or teachings of such church or sect, and who, solely because of his adherence to the teachings or tenets of such church, or sect, refuses to accept rehabilitation services available to him under a State plan approved under the Vocational Rehabilitation Act, shall, for the purposes of the first sentence of this subsection, be deemed to have done so with good cause.

(2) Deductions shall be made from any child's insurance benefit to which a child who has attained the age of eighteen is entitled or from any mother's insurance benefit to which a person is entitled, until the total of such deductions equals such child's insurance benefit or benefits or such mother's insurance benefit or benefits under section 202 for any

"(3) has bylaws in effect with respect to its staff of physicians;

"(4) has a requirement that every patient must be under the care of a physician;

"(5) provides 24-hour nursing service rendered or supervised by a registered professional nurse, and has a licensed practical nurse or registered professional nurse on duty at all times;

"(6) has in effect a hospital utilization review plan which meets the requirements of subsection (k);

"(7) in the case of an institution in any State in which State or applicable local law provides for the licensing of hospitals, (A) is licensed pursuant to such law or (B) is approved, by the agency of such State or locality responsible for licensing hospitals, as meeting the standards established for such licensing; and

"(8) meets such other requirements as the Secretary finds necessary in the interest of the health and safety of individuals who are furnished services in the institution, except that such other requirements may not be higher than the comparable requirements prescribed for the accreditation of hospitals by the Joint Commission on Accreditation of Hospitals (subject to the second sentence of section 1863).

For purposes of subsection (a) (2), such term includes any institution which meets the requirements of paragraph (1) of this subsection. For purposes of sections 1814(d) (including determination of whether an individual received inpatient hospital services for purposes of such section), and subsections (i) and (n) of this section, such term includes any institution which meets the requirements of paragraphs (1), (2), (3), (4), (5), and (7) of this subsection. Notwithstanding the preceding provisions of this subsection, such term shall not, except for purposes of subsection (a) (2), include any institution which is primarily for the care and treatment of mental diseases or tuberculosis unless it is a tuberculosis hospital (as defined in subsection (g)) or unless it is a psychiatric hospital (as defined in subsection (f)). The term 'hospital' also includes a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts, but only with respect to items and services ordinarily furnished by such institution to inpatients, and payment may be made with respect to services provided by or in such an institution only to such extent and under such conditions, limitations, and requirements (in addition to or in lieu of the conditions, limitations, and requirements otherwise applicable) as may be provided in regulations. For provisions deeming certain requirements of this subsection to be met in the case of accredited institutions, see section 1865.

"Psychiatric Hospital

"(f) The term 'psychiatric hospital' means an institution which—

"(1) is primarily engaged in providing, by or under the supervision of a physician, psychiatric services for the diagnosis and treatment of mentally ill persons;

"(2) satisfies the requirements of paragraphs (3) through (8) of subsection (e);

"(3) maintains clinical records on all patients and maintains such records as the Secretary finds to be necessary to determine the degree and intensity of the treatment provided to individuals entitled to hospital insurance benefits under part A;

"Arrangements for Certain Services

"(w) The term 'arrangements' is limited to arrangements under which receipt of payment by the hospital, extended care facility, or home health agency (whether in its own right or as agent), with respect to services for which an individual is entitled to have payment made under this title, discharges the liability of such individual or any other person to pay for the services.

"State and United States

"(x) The terms 'State' and 'United States' have the meaning given to them by subsections (h) and (i), respectively, of section 210.

74 Stat. 937.
42 USC 410.

"Post-Hospital Extended Care in Christian Science Extended Care Facilities

"(y) (1) The term 'extended care facility' also includes a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts, but only (except for purposes of subsection (a) (2)) with respect to items and services ordinarily furnished by such an institution to inpatients, and payment may be made with respect to services provided by or in such an institution only to such extent and under such conditions, limitations, and requirements (in addition to or in lieu of the conditions, limitations, and requirements otherwise applicable) as may be provided in regulations.

"(2) Notwithstanding any other provision of this title, payment under part A may not be made for services furnished an individual in an extended care facility to which paragraph (1) applies unless such individual elects, in accordance with regulations, for a spell of illness to have such services treated as post-hospital extended care services for purposes of such part; and payment under part A may not be made for post-hospital extended care services—

"(A) furnished an individual during such spell of illness in an extended care facility to which paragraph (1) applies after—

"(i) such services have been furnished to him in such a facility for 30 days during such spell, or

"(ii) such services have been furnished to him during such spell in an extended care facility to which such paragraph does not apply; or

"(B) furnished an individual during such spell of illness in an extended care facility to which paragraph (1) does not apply after such services have been furnished to him during such spell in an extended care facility to which such paragraph applies.

"(3) The amount payable under part A for post-hospital extended care services furnished an individual during any spell of illness in an extended care facility to which paragraph (1) applies shall be reduced by a coinsurance amount equal to one-eighth of the inpatient hospital deductible for each day before the 31st day on which he is furnished such services in such a facility during such spell (and the reduction under this paragraph shall be in lieu of any reduction under section 1813(a) (4)).

Ante, p. 292.

"(4) For purposes of subsection (i), the determination of whether services furnished by or in an institution described in paragraph (1) constitute post-hospital extended care services shall be made in accordance with and subject to such conditions, limitations, and requirements as may be provided in regulations.

c o p y

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Welfare Administration
Washington, D.C. 20201

Bureau of Family Services

In reply refer to:

File No. 15:MS

January 27, 1966

J. Buroughs Stokes, Ph.D
Manager
Christian Science Committee on
Publication
1601 Eye Street, N.W.
Washington 6, D.C.

Dear Doctor Stokes

This has reference to our conversation of January 26. Please be assured of my availability whenever clarification of the law or policy is needed or whenever problems arise which I can help solve.

As requested, the primary purpose of this letter is to assure you that the services of Christian Science sanatoriums, nursing homes, visiting nurse services, and private duty nursing are encompassed within the phrase "any other type of remedial care recognized under State law, specified by the Secretary;" as this phrase appears in Section 1905 of the Social Security Act. However, it would not be necessary for a State to use this exact phrase in order to include Christian Science care among its services. The individual States have discretion as to the choice of language and could include Christian Science care in more specific terms.

There will be no requirement that Christian Science services be subject to approval by physicians; the States will, however, insist that services conform to the standards proclaimed by your national organization and will, we trust, utilize consultation from sources recognized by your church.

You are aware that the scope of care furnished is largely left to the discretion of the individual States; P.L. 89-97 limits this discretion in some ways, but not with respect to Christian Science.

Sincerely yours,

(s) Carel E. H. Mulder

Carel E. H. Mulder
Acting Chief
Division of Medical Services

